

**RONALD ANDERSON,
MELINDA CLEMONS, CHAD
WUNSTELL, CONNIE
WUNSTELL, AND ALBERT
RAGAS**

VERSUS

TENNECO OIL COMPANY

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NO. 2001-CA-0295

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

CONSOLIDATED WITH:

**CLARK FONTAINE, JR.,
DONALD J. ANDERSON AND
KERRI WALTMAN
ANDERSON**

VERSUS

**THE STATE OF LOUISIANA
NATURAL RESOURCES
DEPARTMENT, MINERAL
RESOURCES OFFICE AND
CONSERVATION OFFICE**

CONSOLIDATED WITH:

NO. 2001-CA-0296

**APPEAL FROM
PLAQUEMINES 25TH JUDICIAL DISTRICT COURT
NOS. 40-596 C/W 40-972, DIVISION "A"
Honorable Luke Petrovich, Judge Pro Tempore**

**Charles R. Jones
Judge**

(Court composed of Judge Charles R. Jones, Judge Terri F. Love, and
Judge Max N. Tobias, Jr.)

ON APPLICATION FOR REHEARING

TOBIAS, J. CONCURS

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APPLICATION FOR REHEARING GRANTED

The Application for Rehearing filed by the State of Louisiana through the Department of Natural Resources (hereinafter “State”) is granted for the sole purpose of clarifying our previous decision.

The State argues that general maritime law was the applicable law in this case citing *Fox v. Southern Scrap Export Co., Ltd.*, 618 So.2d 844, 846 (La. 1993), which states that “[a] tort action falls within admiralty or maritime jurisdiction if the tort occurred in navigable waters and had a significant relationship to a traditional maritime activity.” We have reviewed this case, but do not find that it overrules *Adams v. Chevron U.S.A., Inc.*, 589 So.2d 1219 (La. App. 4 Cir. 11/14/91). *Adams* states that “[m]aritime tort cases apply the general maritime law, not state tort law, unless there are significant state policy considerations involved.” *Id.* at p. 1222. Clearly, there are significant state policy considerations involved in the regulation of navigable waters in which the State encourages commercial use of said waters.

Thus, we hereby affirm our previous judgment.

